

[RESCINDED]

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-98
TO THE ASSISTANT SECRETARY, MANAGEMENT AND ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and Section 642 of the Department of Energy Organization Act (P.L. 95-91) there is hereby delegated to the Assistant Secretary, Management and Administration, on a non-exclusive basis, the authority to:

1. Establish hours of duty and administrative work week for Department of Energy (DOE) Headquarters and for field organizations that do not have such authority.
2. Approve Federal Labor-Management Agreements.
3. Approve personnel actions involving positions at the GS-15 level and below or equivalent levels.
4. Approve personnel actions relating to the appointment of experts and consultants pursuant to Section 3109 of title 5 of the United States Code (Schedule A Authority).
5. Approve actions relating to the establishment of confidential or policy determining positions (Schedule C Authority).
6. Serve as Executive Secretary of the Executive Personnel Board.
7. Approve Headquarters organization changes at the third and fourth level (offices and divisions or equivalent) and approve field organization changes at the second level (Assistant Managers or equivalent).
8. Enter into, approve, administer, modify, close-out, terminate, and take such other action as may be necessary and appropriate with respect to any procurement contract, sales contract, interagency agreement, financial assistance agreement, financial incentive agreement or other similar action binding the Department of Energy to the obligation and expenditure of public funds or to the sale of products and services. Such action shall include the rendering of approvals, determinations and decisions, except those required by law or regulation to be made by other authority.
9. Serve as the Senior Procurement Official, Headquarters, to whom authority for extraordinary contractual actions to facilitate the national defense pursuant to P.L. 85-804 and Executive Order 10789, as amended, is delegated by 41 CFR 9-17.101(b)(1).
10. Establish dollar threshold amounts or other limitations for DOE Headquarters and field activities to observe when entering into and approving procurement contracts, interagency agreements, financial assistance agreements, financial incentive agreements, sales contracts or similar agreements.
11. Designate contracting officers.

12. Acquire, manage and dispose of personal property held by the Department for official use by its employees or contractors.
13. Sign applications for permits to procure tax-free spirits from a distilled spirits plant for nonbeverage purposes for use by the Department, as authorized by 26 USC 5271 and 27 CFR 213.142.
14. Designate to the Treasury Department those DOE employees who will serve as certifying officers and agent/imprest fund cashiers.
15. Appoint officials authorized to certify financial statements to Treasury, other Federal agencies and to Congress as required by law or regulation. This authority may not be redelegated.
16. Establish, approve and issue financial plans and allotments for all components of DOE and make disbursements pursuant thereto.
17. Establish, approve and implement systems of administrative financial controls to restrict expenditure obligations of components of DOE to the amount of apportionments to such components, and to establish, approve and implement systems of administrative financial controls to ascertain responsibility for the creation of all such expenditure obligations.
18. Approve exceptions to the full-cost recovery pricing policy.
19. Sign all documents and take such other action as may be necessary and appropriate for the submission for publication to the Federal Register, where the authority to sign such documents has not otherwise been delegated to other officers of the Department of Energy.
20. Report violations of the Anti-Deficiency Act (31 U.S.C. 665) and act in the name of the Secretary for the purpose of enforcing the Anti-Deficiency Act within the Department.
21. Determine that utilization of the authority contained in Section 101(c) of the Defense Production Act of 1950, as amended, will “maximize domestic energy supplies,” as contemplated by Section 2(b) of Defense Mobilization Order 13. This determine will be made after consultation with the General Counsel and the Director of Policy, Planning, and Analysis.
22. Find that certain supplies of material or equipment are critical and essential to maintain or to increase exploration for energy supplies or their production, refining, transportation or conservation or to construct and to maintain energy facilities, as described in Section 101(c)(3)(A) of the Defense Production Act of 1950, as amended.
23. Approve Departmental Directives.

24. With the concurrence of the General Counsel, request from the General Services Administration (“GSA”) that the Secretary of Energy be authorized to intervene in proceedings relating to utility matters before any Federal or State regulatory agency or commission in order to represent the consumer interests of Executive Agencies of the Federal Government in such proceedings; and to intervene in such proceedings pursuant to an authorization received from GSA, subject to the concurrence and with the assistance of the General Counsel.
25. Approve acquisitions of automatic data processing and telecommunications equipment.
26. Designate the DOE Freedom of Information Act and Privacy Act Officers.
27. Take all necessary actions to acquire, by purchase, lease, or otherwise, real property and interests therein; take necessary additional actions following the initiation of condemnation proceedings and the execution of declarations of taking; and exercise all authority of the Secretary regarding the management and disposal of Departmental real estate. This authority does not extend to initiation of condemnation proceedings or execution of declarations of taking.
28. Issue rules and regulations as necessary and appropriate to carry out the authorities in this delegation except that this authority may be redelegated only to the heads of organizations reporting to the Assistant Secretary and may not be further redelegated.
29. Take such other action as the Secretary or his authorized delegate(s) may, from time to time, direct or authorize.

The authority delegated to the Assistant Secretary, Management and Administration may be further delegated, in whole or in part, as may be appropriate, except as specifically prohibited in this delegation.

In exercising the authority delegated by this Order the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate.

The authorities delegated in this Order are in addition to, and not in limitation of, any authorities delegated or responsibilities assigned to the Assistant Secretary, Management and Administration by any other DOE delegation, written or oral, or by any Departmental Directive, regulation, or other issuance.

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

DEPARTMENT OF ENERGY
AMENDMENT NO. 1 TO
DELEGATION ORDER NO. 0204-98
TO THE ASSISTANT SECRETARY, MANAGEMENT AND ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy, by section 2732 of the Deficit Reduction Act of 1984, 98 Stat. 1195-1199, and Section 642 of the Department of Energy Organization Act, Pub. L. No. 95-91, Delegation Order No. 0204-98 is hereby amended by inserting new paragraphs 30 and 31 to read as follows:

30. Designate a Senior Competition Advocate for the Department to perform the duties required by the Competition in Contracting Act of 1984, 98 Stat. 1175 et seq. This authority may be delegated to the Director, Procurement and Assistance Management Directorate, without power of redelegation.
31. Designate Contracting Activity Competition Advocates to perform the duties required by the Competition in Contracting Act of 1984, 98 Stat. 1175 et seq. This authority may be redelegated to the Director, Procurement and Assistance Management Directorate, with authority to further redelegate no lower than the Heads of the Contracting Activities.

This amendment is effective November 1, 1984.

_____/s/
Donald Paul Hodel
Secretary of Energy

DEPARTMENT OF ENERGY
AMENDMENT NO. 2 TO
DELEGATION ORDER NO. 0204-98
TO THE ASSISTANT SECRETARY, MANAGEMENT AND ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy ("Secretary"), by Executive Order No. 10789 as amended, 3 C.F.R. 426 (1958), Part 50 of the Federal Acquisition Regulations, 48 C.F.R. Chapter 1, Part 50 (1984), and Section 642 of the Department of Energy Organization Act (Public Law 95-91), there is hereby delegated to the Assistant Secretary, Management and Administration, on a non-exclusive basis, without authority to redelegate, the Secretary's authority to act upon the application of Jersey Nuclear-AVCO Isotopes, Inc. for \$2,629,000 in relief under Public Law 85-804.

Nothing in this Order shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

This Order is effective December 12, 1984.

/s/
Donald Paul Hodel
Secretary of Energy

DEPARTMENT OF ENERGY
AMENDMENT NO. 3 TO
DELEGATION ORDER NO. 0204-98
TO THE ASSISTANT SECRETARY, MANAGEMENT AND ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy by Section 642 of the Department of Energy Organization Act, Public Law 95-91, Delegation Order No. 0204-98 is hereby amended by deleting the last sentence to paragraph 15 and inserting new paragraph 32 to read as follows:

32. Sign agreements with financial institutions under the Minority Financial Institution Deposit program pursuant to Executive Order 11625 of 10-13-71.

All other terms and conditions of this delegation order remain in full force and effect.

This amendment is effective March 17, 1988.

/s/
John S. Herrington
Secretary of Energy

DEPARTMENT OF ENERGY
AMENDMENT NO. 4
TO DELEGATION ORDER NO. 0204-98
TO THE ASSISTANT SECRETARY, MANAGEMENT AND ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy ("Secretary") and Section 642 of the Department of Energy Organization Act (P.L. 95-91) there is hereby delegated to the Assistant Secretary, Management and Administration, on a non-exclusive basis, the authority to establish rates of basic pay and premium pay for Dispatchers of the Western Area Power Administration in accordance with the provisions of Title III of Public Law 99-141 and Dispatchers of the Southeastern Power Administration in accordance with the provisions of Title I of Public Law 100-71.

The authority delegated to the Assistant Secretary, Management and Administration may be further delegated, in whole or in part, as may be appropriate.

In exercising the authority delegated by this Order the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate.

The authorities delegated in this order are in addition to, and not in limitation of, any authorities delegated or responsibilities assigned to the Assistant Secretary, Management and Administration by any other DOE delegation, written or oral, or by any Departmental Directive, regulation, or other issuance.

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgement the exercise of such authority is necessary or appropriate to administer the functions vested in him.

Delegation Order Nos. 0204-115 and 0204-123 are hereby rescinded.

This Order is effective November 14, 1988.

/s/
John S. Herrington
Secretary of Energy